

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-17 and 19-61 are presently active in this case.

Claims 3-5, 7-13, 15, 21-23, 25-31, 33, 39-41, 43-45, 48-50, 52, 53, 57, and 59-61 were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicants note that Claims 6, 24, 42, and 51 depend from allowable Claims 3, 21, 39, and 48, respectively, and therefore are believed to be allowable as well.

The Applicants want to thank Examiner Wai Sin Louie for the courtesies extended to Applicants' representative, Christopher Ward, during the personal interview conducted on March 22, 2005.

In the outstanding Official Action, Claims 1, 2, 6, 14, 16, 17, 19, 20, 24, 32, 34-38, 42, 46, 47, 51, 54-56, and 58 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-10 of Katayama et al. (U.S. Patent No. 6,529,535) in view of Janssen et al. (U.S. Patent No. 5,570,444). The Applicants respectfully traverse this rejection.

As discussed during the personal interview, the claims of the Katayama et al. reference do not recite the limitation "wherein said first joint position and said second joint position are coplanar along a plane extending through a longitudinal axis of said optical fiber," as expressly recited in independent Claim 1 of the present application. Furthermore,

as discussed during the personal interview, the Janssen et al. reference does not supplement this deficiency. Thus, the Applicants request the withdrawal of the obviousness-type double patenting rejection of independent Claim 1.

As discussed during the personal interview, the Applicants respectfully submit that the Janssen et al. reference does not disclose or suggest a first joint position and a second joint position that are coplanar along a plane extending through a longitudinal axis of an optical fiber, as expressly recited in Claim 1. The Janssen et al. reference describes blocks (9) mounted on a substrate (2). The blocks (9) are welded to slide members (8) by laser beam welds (11). A slide member (8) is provided on each side of a slotted rod (6), which receives an optical fiber (4). The slide members (8) are each welded to the slotted rod (6) by a single laser beam weld (12). The welds (11 and 12) are all formed a same distance from the substrate (2). However, the Applicants respectfully submit that the welds (11 and 12) are not coplanar along a plane that extends through a longitudinal axis of optical fiber (4).

Claim 1 defines a first joint position and a second joint position that are coplanar along a plane extending through a longitudinal axis of an optical fiber. The Janssen et al. reference depicts a configuration in which the laser beam welds (11 and 12) are formed at the top edge of slide members (8) and blocks (9). The Applicants respectfully submit that a review of Figure 1 clearly indicates that the plane that is common to both top surfaces of slide members (8) is above the optical fiber (4), and therefore is well above the longitudinal axis of the optical fiber (4). This can be clearly seen if a line is drawn between the top surfaces of the two slide blocks (8), in which case the optical fiber (4) is below the line. Therefore, as is

evident from the figures, the laser beam welds (11 and 12) are formed at a vertical location above the axis of the optical fiber (4). Accordingly, the Janssen et al. reference does not disclose a first joint position and a second joint position that are coplanar along a plane extending through a longitudinal axis of an optical fiber. While the laser beam welds (11 and 12) of the Janssen et al. reference may be coplanar, that plane does not extend through a longitudinal axis of the optical fiber (4).

Thus, the Applicants respectfully submit that Claim 1 is not obvious in light of the claims of the Katayama et al. reference and the Janssen et al. reference, since neither reference, either taken singularly or in combination, teaches the limitation in Claim 1 discussed above.

Claims 2, 6, 14, 16, and 17 are considered allowable for the reasons advanced for Claim 1 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of Claim 1.

As discussed during the personal interview, the claims of the Katayama et al. reference do not recite the limitation of "said first joint position and said second joint position are coplanar with said active layer of the diode," as expressly recited in independent Claim 19 of the present application. Furthermore, as discussed during the personal interview, the Janssen et al. reference does not supplement this deficiency. Thus, the Applicants request the withdrawal of the obviousness-type double patenting rejection of independent Claim 19.

As discussed during the personal interview, the Applicants respectfully submit that the Janssen et al. reference does not disclose or suggest a first joint position and a second joint position that are coplanar with an active layer of the diode, as expressly recited in Claim 1. The welds (11 and 12) of the Janssen et al. reference are all formed a same distance from the substrate (2). However, the Applicants respectfully submit that the welds (11 and 12) are not coplanar with an active layer of a diode. In fact, the Janssen et al. reference does not clearly depict an active layer, and thus cannot be said to teach the configuration of the Claim 19.

Claim 19 defines a first joint position and a second joint position that are coplanar with an active layer of a diode. The Janssen et al. reference depicts a configuration in which the laser beam welds (11 and 12) are formed at the top edge of slide members (8) and blocks (9). As discussed above with respect to Claim 1, the Applicants respectfully submit that a review of Figure 1 clearly indicates that the plane that is common to both top surfaces of slide members (8) is above the optical fiber (4). While the Janssen et al. reference does not specifically discuss the vertical location of an active layer of a diode, the Janssen et al. reference indicates that the laser emission is to be coupled into a single mode optical fiber (4). Accordingly, the Applicants submit that the active layer of the laser would not be above the optical fiber (4), and therefore is not coplanar with the laser beam welds (11 and 12), which are in a plane that is above the optical fiber (4). Accordingly, the Janssen et al. reference does not disclose a first joint position and a second joint position that are coplanar with an active layer of a diode.

Thus, the Applicants respectfully submit that Claim 19 is not obvious in light of the claims of the Katayama et al. reference and the Janssen et al. reference, since neither reference, either taken singularly or in combination, teaches the limitation in Claim 19 discussed above.

Claims 20, 24, 32, and 34-36 are considered allowable for the reasons advanced for Claim 19 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of Claim 19.

As discussed during the personal interview, the claims of the Katayama et al. reference do not recite the limitation of "said holder being mounted to said fastening member at a plurality of first joint positions," as expressly recited in independent Claim 37 of the present application. (See, by way of illustration and not limitation, features 112 in Figure 17 and Figures 6(a)-(c) of the present application.) Furthermore, as discussed during the personal interview, the Janssen et al. reference does not supplement this deficiency. Thus, the Applicants request the withdrawal of the obviousness-type double patenting rejection of independent Claim 37.

The Applicants respectfully submit that the Janssen et al. reference does not disclose or suggest a holder (defined as receiving a portion of the optical system) being mounted to a fastening member at a plurality of first joint positions, as expressly recited in Claim 37. If the slotted rod (6) is considered the "holder" and the slide members (8) are considered the "fastening member," then each slide member (8) is welded to the slotted rod (6) by a single

laser beam weld (12). The Janssen et al. reference expressly teaches that only a single weld (12) is to be used in order to minimize the transverse displacement of the rod during the making of the weld (12). (See column 4, lines 8-13.)

Accordingly, the Janssen et al. reference not only does not disclose a plurality of first joint positions mounting a holder configured to receive a portion of the optical system to a fastening member, but the Janssen et al. reference also teaches away from such a configuration.

Thus, the Applicants respectfully submit that Claim 37 is not obvious in light of the claims of the Katayama et al. reference and the Janssen et al. reference, since neither reference, either taken singularly or in combination, teaches the limitation in Claim 37 discussed above.

Claims 38 and 42 are considered allowable for the reasons advanced for Claim 37 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of Claim 37.

As discussed during the personal interview, the claims of the Katayama et al. reference do not recite the limitation of “a second welding position is obtained by welding said fastening means and said holder, and a third welding position is obtained by welding said fastening means and said holder,” as expressly recited in independent Claim 46 of the present application. (See, by way of illustration and not limitation, features 112 in Figure 17 and Figures 6(a)-(c) of the present application.) Furthermore, as discussed during the personal

interview, the Janssen et al. reference does not supplement this deficiency. Thus, the Applicants request the withdrawal of the obviousness-type double patenting rejection of independent Claim 46.

The Applicants respectfully submit that the Janssen et al. reference does not disclose or suggest a holder (defined as receiving a portion of the optical system) welded to fastening means at a second welding position and the holder welded to the fastening means at a third welding position, as expressly recited in Claim 46. If the slotted rod (6) is considered the “holder” and the slide members (8) are considered the “fastening means,” then each slide member (8) is welded to the slotted rod (6) by a single laser beam weld (12). The Janssen et al. reference expressly teaches that only a single weld (12) is to be used in order to minimize the transverse displacement of the rod during the making of the weld (12). (See column 4, lines 8-13.)

Accordingly, the Janssen et al. reference not only does not disclose two welding positions at which a holder configured to receive a portion of the optical system is welded to a fastening means, but the Janssen et al. reference also teaches away from such a configuration.

Thus, the Applicants respectfully submit that Claim 46 is not obvious in light of the claims of the Katayama et al. reference and the Janssen et al. reference, since neither reference, either taken singularly or in combination, teaches the limitation in Claim 46 discussed above.

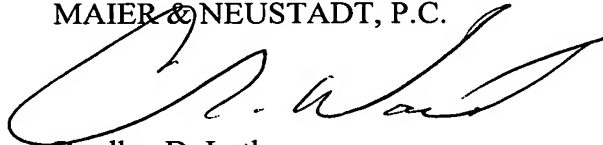
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Claims 51, 54-56, and 58 are considered allowable for the reasons advanced for Claim 46 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of Claim 46.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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